

REMARKS

This is in response to the Restriction Requirement dated November 3, 2004 in connection with the above-referenced application.

The Office Action requires restriction to one of four inventions alleged to be claimed. In response, Applicant hereby elects Group I, encompassing claims 1, 2, 5-10, 13-17, and 20-33. However, this election is made with traverse because the proposed restriction requirement is unduly limiting and lacks adequate basis. Without comment to the possible existence of multiple independent and/or distinct inventions, Applicant notes that MPEP § 803 states that even if two or more claim groupings are independent or distinct as claimed, there must also be a serious burden on the examiner to require restriction. If search and examination of the entire application can be made without serious burden, the examiner must examine the entire application. See MPEP §803. There is no evidence of record demonstrating that searching between various active groups (including activated esters, carboxylic acids, alkyl and aromatic isothiocyanates and leaving groups) would present a serious burden. Accordingly, the proposed restriction is improper.


The Office Action asserts that the claims of Group I are directed to patentably distinct species, and requires that Applicants elect a class of compounds for search purposes of the claimed inventions pursuant to 35 U.S.C. § 121. Although Applicant believes that the restriction requirement and, hence, the request for species election are improper for the reasons stated above, Applicant elects for search purposes the class of compounds in which n is 1; m is 1; o is 1; X is oxygen; Y is =O (carbonyl); R¹ is CH₃; R² is *p*-nitrophenyl ester; and R³ is hydrogen, with traverse.

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PATENT

Applicant respectfully submits that the claims presently before the Examiner are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at the telephone number provided below.

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